

**Minneapolis City Planning Department Report
Zoning Code Text Amendment**

Date: January 13, 2003

Initiator Of Amendment: Council Member Zerby

Date of Introduction at City Council: November 8, 2002

Ward: All

Planning Staff And Phone: Jason Wittenberg, 673-2297

Intent Of The Ordinance: The purpose of the amendment is to provide early notification to neighborhood and business organizations at the time of filing of an application for zoning approval, to amend the notice of public hearing requirement for registered neighborhood groups, and to amend notice requirements for amendments initiated by the city council to reflect changes in state law.

Appropriate Section(s) of the Zoning Code: Chapter 525

Background:

Purpose For The Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The City Council would like to ensure that, when an application is filed for a zoning approval that requires a public hearing, the applicant provides evidence to the city that the registered neighborhood organization has been provided detailed information about the project prior to the city making a determination that the zoning application is complete. Council Member Zerby also proposes that business organizations and city council members be contacted as part of a complete zoning application. The Planning Department is not recommending that proof of these contacts be required by ordinance. Since the neighborhood organization would be provided detailed information by the applicant early in the process (before the application is considered complete for noticing), the amendment would also change the date that the city would provide official notice of public hearing to neighborhood organizations from 21 days prior to the public hearing to 15 days. This would be consistent with the notification that is currently provided to property owners within 350 feet of the property in question. The amendment would also bring the city's noticing requirements for zoning amendments initiated by the city council into conformance with state law and would alter our notices to the Department of Natural Resources, where applicable, from 21 to 15 days.

Minneapolis City Planning Department Report

The amendment is designed to ensure that applicable neighborhood organizations receive detailed information about zoning applications early in the process and to make the city's official notice to neighborhood groups consistent with the notification provided to surrounding property owners. The amendment would also resolve discrepancies between state law and the city's noticing requirements to the DNR.

The public purpose underlying the amendment is to provide official public participation bodies with better, more detailed information early in the process and to streamline administrative processes by providing a consistent notice period of 15 days to both property owners and neighborhood organizations.

Planning staff is unaware of significant problems that could be created by requiring early notification to neighborhood groups by zoning applicants. However, the Planning Department does not support codifying a requirement that a zoning applicant must notify a business organization and the city council representative. While neighborhood organizations are geographically based and have an established relationship with the city (particularly through the Neighborhood Revitalization Program), business organizations are often fluid and are not geographically based. This could potentially lead to confusion among applicants and city staff about which organization(s) must be contacted. Requiring applicants to contact business organizations would also add an additional step to the development review process during a time that the city is attempting to streamline the process. Further, there should be some expectation that neighborhood organizations communicate important information to business associations. In terms of changing the city's official notification period to neighborhood organizations from 21 to 15 days, Planning staff is somewhat concerned that this could result in providing less time for staff to meet with the applicant, visit the site, write the staff report, etc. However, supervisory staff and the Planning Director have assured staff that administrative processes would be put in place to ensure that that no such reduction will take place. Staff believes that there must be not less than 25 days between the date an application becomes complete and the day of the public hearing in order to have adequate time to complete a satisfactory staff report.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely given that similar changes are currently being considered for notification requirements for business licenses.

Notification practices vary in surrounding communities. For zoning applications, state law requires notification of the relevant public hearing to surrounding property owners 10 days prior to the public hearing. Edina, Golden Valley, and Richfield, for example, require a 10 day notification. State law does not require notification to neighborhood organizations. Staff is not

Minneapolis City Planning Department Report

aware of another nearby community that has codified similar requirements for providing information to neighborhood organizations.

The consequences of denying the amendment are that notification procedures would continue to be provided in the current manner. Although staff would continue to require that zoning applicants contact neighborhood groups, the requirement would not be codified if this amendment is denied. Denying the proposed changes to section 525.150(a)(2) would prevent the city from obtaining consistency with state law related to city-initiated changes to zoning boundaries.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

One of the City's eight goals, outlined in the Minneapolis Plan, is to strengthen the participation of all citizens, including children, in the economic and civic life of the community.

Recommendation Of The City Planning Department:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the text amendment with the following changes:

- 1) Notification to neighborhood groups is fifteen (15) days rather than twenty one (21) days;
- 2) Other changes as shown in the staff alternative.